

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

SARAH ARMSTRONG	*	CIVIL CASE NO. 22-CV-03401
V.	*	JUDGE JAMES D. CAIN, JR.
SHELTER MUTUAL INSURANCE COMPANY, ET AL.	*	MAGISTRATE JUDGE LEBLANC

**RESPONSE TO PLAINTIFF’S MOTION TO SET
ATTORNEYS’ FEES AND COSTS AND EXPENSES**

NOW INTO COURT, through undersigned counsel, comes Respondent, MMA, PLLC (formerly known as McClenny Moseley & Associates, PLLC and hereinafter “MMA”), who respectfully submits this response to Plaintiff’s Motion to Set Attorneys’ Fees and Costs and Expenses (R. Doc. 24).

On August 22, 2023, the Honorable James D. Cain, Jr. issued an Order in *In re: McClenny Moseley & Associates PLLC*, USDC Case No. 3:23-mc-00062 holding that “MMA is not entitled to any attorney fees, costs and/or expenses either pending in this Court or in the list herein attached as Exhibit ‘A’.”¹ The instant case was pending in this Court when Judge Cain issued his Order.

On September 21, 2023, MMA timely noticed its appeal of that Order to the United States Court of Appeals for the Fifth Circuit, and the appeal remains pending.² MMA requested a stay pending appeal, which Judge Cain denied.³

Judge Cain’s August 22, 2023 Order remains in effect for “any cases pending in this

¹ See *In re: McClenny Moseley & Associates PLLC*, USDC Case No. 3:23-mc-00062, R. Doc. 37 attached hereto as Exhibit “1” at p. 2.

² See *In re: McClenny Moseley & Associates PLLC*, USDC Case No. 3:23-mc-00062, R. Doc. 45 attached hereto as Exhibit “2.” See also *In re: McClenny Moseley*, 5th Cir. Case No. 23-30670.

³ See *In re: McClenny Moseley & Associates PLLC*, USDC Case No. 3:23-mc-00062, R. Doc. 58 attached hereto as Exhibit “3.”

Court,” including the instant case.⁴ Accordingly, the Order is dispositive of the Plaintiff’s Motion to Set Attorneys’ Fees and Costs and Expenses, and the Plaintiff’s motion should be dismissed as moot.

Respectfully submitted,

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⁴ See Exhibit “1” at p. 3.